



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Phillips, Jeffery O ) CONF. NO.: 4467  
)  
APPL. NO. 10/797,374 ) GROUP ART UNIT: 1625  
)  
FILED: March 10, 2004 ) EXAMINER: Chang, Celia C  
)  
TITLE: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND  
METHOD OF USING SAME

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I hereby certify that this paper (and its recited enclosures) or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Edgar D. Villeda

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97-1.98**

Dear Sir:

Pursuant to a duty to disclose under 37 C.F.R. § 1.56 and §§ 1.97-1.98, as supplemented by M.P.E.P. § 609, Applicant brings to the attention of the Examiner the references listed on the attached Form PTO-1449. Applicant respectfully requests that the Examiner consider the listed documents and evidence the consideration of relevant portions thereof by making appropriate notations on the attached form. Copies of the listed non-patent literature are submitted herewith in accordance with 37 CFR § 1.98(a)(2).

10/06/2008 AWONDAF1 00000039 130019 10797374  
01 FC:1806 100.00 DA

This Supplemental Information Disclosure Statement is filed pursuant to 37 C.F.R. § 1.97(c)(2), prior to the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution. In connection with this filing, please charge Deposit Account No. 13-0019 the \$180 associated with submitting this Supplemental Information Disclosure Statement. Should there be any additional fees required or any credit refundable, the Commissioner is authorized to charge or refund Deposit Account No. 13-0019.

By way of this Supplemental IDS, Applicant is providing a copy of the litigation documents from November 13, 2007 through January 10, 2008 and from June 16, 2008 through September 22, 2008, pertaining to Santarus, Inc. and The Curators of the University of Missouri v. Par Pharmaceutical, Inc., Case Nos. 07-551-GMS and 07-827-GMS (D. Del.), consolidated under Case No. 07-551-GMS (D. Del.). In addition, copies of scientific literature and other non-patent literature are provided

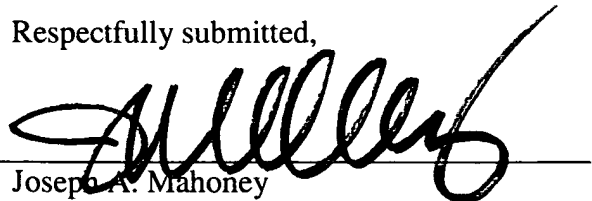
Presentation of documents listed on enclosed Form PTO-1449 is not an admission that any listed document is prior art under the Patent Act and the right is reserved to antedate any material described in the listed documents by a showing under 37 C.F.R. § 1.131 or otherwise.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), an admission that the information cited is or is not considered to be material to patentability, or that no other material information exists. Applicant respectfully requests that the statement be considered by the Office in the course of prosecution of the application.

September 30, 2008

**CUSTOMER NUMBER 26565**  
**MAYER BROWN LLP**  
P.O. Box 2828  
Chicago, IL 60690-2828  
Telephone: (312) 701-8979  
Facsimile: (312) 706-9000

Respectfully submitted,

  
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Joseph A. Mahoney  
Registration No. 38,956